



CITY OF MEMPHIS

COUNCIL AGENDA

February 7, 2006

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (January 17, 2006)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

(none)

GENERAL ORDINANCE - SECOND READING

(none)

ZONING ORDINANCES - FIRST READING

1. **ORDINANCE** rezoning the northeast corner of Monroe Avenue and Avalon Street, containing 0.20 acre in the Local Commercial (C-L) District, up for F I R S T reading.

Peete

Ordinance No. 5154

Case No. Z 05-128

Applicant: Pinnacle Homes, LLC
Michael Fahy – Representative

Request: Single Family Residential (R-S6) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

2. **ORDINANCE** rezoning +200 feet east of Ridgeway Road; +200 feet south of Winchester Road, containing 19.452 acres in the Highway Commercial (C-H) District, up for F I R S T reading.

Peete

Ordinance No. 5155

Case No. Z 05-136

Applicant: Safeway Plaza, Inc., Rafat Shaikh
Homer Branan – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on First reading

3. **ORDINANCE** rezoning the east side of Airways Boulevard; +/-2,240 feet north of Stateline Road, containing 4.38 acres in the Single Family Residential (R-S8) District, up for F I R S T reading.

Peete

Ordinance No. 5156

Case No. Z 05-138

Applicant: City Auto Finance, LLC

Request: Light Industrial (I-L) District

LUCB and OPD recommendation: APPROVAL, of the Light Industrial (I-L) District

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING

4. **ORDINANCE** rezoning the northeast corner of Levi Road and Leech Road, containing 5.0 acres in the Townhouse Residential (R-TH) District, up for S E C O N D reading.
Peete Ordinance No. 5153
Case No. Z 05-127

Applicant: Running Bear Construction

Request: Single Family Residential (R-S6) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING (none)

NOTATIONS FROM OPD

5. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:
- A. Case No. PD 05-355 – KIRBY GATE SOUTH PLANNED DEVELOPMENT
- Located on the south side of Quince Road; +600 feet west of Kirby Parkway, containing 5.63 acres in the P.D. 02-310 Kirby Gate South Planned Development
- Applicant: K G Land LLC
Fisher & Arnold (Jud Te Paske) – Representative
- Request: Amend Parcel 4 to permit Jaguar/Land Rover Dealership with support facilities
- LUCB and OPD recommendation: APPROVAL, with conditions
- B. Case No. PD 05-358 - THE ENCLAVE @ GRAHAM PLANNED DEVELOPMENT
- Located on the east side of Graham Avenue; +825.6 feet north of Given Avenue, containing 2.216 acres in the Single Family Residential (R-S6) District
- Applicant: Mars Development, LLC
The Bray-Davis Firm, LLC – Representative
- Request: A planned development to permit ten (10) single family detached lots (Minimum lot size: 5,557 sq. ft.)
- LUCB and OPD recommendation: APPROVAL, with conditions
- C. Case No. SAC 04-619 – GEORGIA AVENUE ALLEY & MICHIGAN STREET
- Located on the south side of Georgia Avenue; +150 feet east of S. Main Street, containing 20,473 square feet in the Street/Alley ~ South Main (SM) District
- Applicant: Front Row Development, LLC
Tetra Tech, Inc./Frank Gianotti – Representative

Request: Time Extension for Street & Alley Closure Approved January 4, 2005 for an additional one year period

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: February 21, 2006

GENERAL ITEMS

6. RESOLUTION declaring February 2006 as “Direct Deposit Month”.
Mitchell

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION congratulating Boy Scout Troop 240 on their fortieth anniversary.
Mitchell

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

8. RESOLUTION awarding Contract No. 11063, Cable Treatment and Rejuvenation, to Utilx Corporation, in an estimated funded amount not to exceed \$500,000.00.
9. RESOLUTION awarding Contract No. 11066, Airline Road Water Main Installation, to Argo Construction Corporation, in the funded amount of \$1,580,914.00.
10. RESOLUTION awarding Contract No. 11074, Data Integrator, to Decision First Technologies, Inc., in the funded amount of \$55,000.00.
11. RESOLUTION awarding Contract No. 11085, HVAC Roof RTU at the Training Center, to CS3, Inc., in the funded amount of \$301,650.00.
12. RESOLUTION awarding Contract No. 11096, Mobile Sweeper Cleaning, to Horizon of Memphis, in the funded amount of \$70,387.01.
13. RESOLUTION approving Change No. 3 to Contract No. 11020, Janitorial Services, with Kimco Corporation, in the funded amount of \$697,131.72. (This is the first of four renewals which covers a 3% increase for cost of living adjustment and three additional personnel).
14. RESOLUTION awarding contract for directional boring system to Vermeer Mid-South, Inc. in the amount of \$204,166.00.
15. RESOLUTION awarding contract for vacuum-interrupting switches to Joslyn Hi-Voltage, Inc. c/o Utility Specialist, Inc. in the amount of \$127,875.00.
16. RESOLUTION approving the selection of Mr. Armstead Ward for the position of Vice President, Human Resources in accordance with Salary No. S-77184, in the amount of \$147,014.40 annually.
17. RESOLUTION approving Change No. 1 to Contract No. 11038, Labor and Benefits Cost Assessment, with Public Financial Management, Inc., in the estimated funded amount of \$77,330.00. (This covers an additional assessment of MLGW post retirement medical benefits and compensation for non-bargaining unit employees).
18. RESOLUTION requesting cancellation of Purchase Order No. 119303 with Software Plus, and awarding the purchase order to ASAP Software Express, in the amount of \$69,377.38.



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

19. RESOLUTION proclaiming the week of February 7-14, 2006, "Memphis Marriage Week." (Held from 01/17)

Brown

ACTION REQUESTED: Adopt the resolution

20. RESOLUTION commending the University of Memphis Tigers Football Team on their win at the Motor City Bowl.

Jones

ACTION REQUESTED: Adopt the resolution

21. APPOINTMENTS

Marshall

Memphis & Shelby County Board of Adjustment

Appointment

Kathy Moore Cowan

GENERAL ORDINANCE - THIRD AND FINAL READING

22. **ORDINANCE** amending Chapter 41, Code of Ordinances, City of Memphis, so as to update regulations for Wreckers and Towing Operators within the City of Memphis, up for T H I R D and F I N A L reading.(Held from 10/11; 10/25;11/1; 12/6; 1/03; 1/17)

Sammons

Ordinance No. 5133

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (none)

EXECUTIVE DIVISION (none)

FINANCE & ADMINISTRATION

23. RESOLUTION amending the FY 06 Operating Budget by transferring the sum of twenty five hundred dollars (\$2500.00) from its Travel Account #52610 to WTN-COPS to be used solely for the benefit of survivors of Memphis Police Officers killed in the line-of-duty.

Sammons

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES

24. RESOLUTION accepting grant funds in the amount of \$460,000.00 from the Department of Homeland Security for the 2005 Assistance to Firefighter's Grant Program to purchase a driver training simulator.

Chumney

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES

25. RESOLUTION encouraging the MLGW Board to include language in the MOU with the union, pertaining to health insurance benefits for MLGW retirees.

Ford

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION accepting an offer from Cindy S. Loewenberg and Harry Loewenberg, to purchase a portion of City owned surplus property located on the north side of Katie Avenue east of East Parkway North, containing 1,050 square feet, more or less, in the amount of \$3,940.00.

Ford

Resolution accepts an offer from Cindy S. Loewenberg and Harry Loewenberg to purchase property located on the north side of Katie Avenue east of East Parkway North in the City of Memphis, County of Shelby and State of Tennessee. The City Engineer's Office has determined that the subject property is surplus. The amount of the offer is \$3,940.00. Per ordinance, the sale of the subject property is not subject to the offer laying over for a second reading and Council approval on the first reading shall be deemed approval of the sale. Resolution also authorizes the Mayor to execute the necessary documents, on behalf of the City of Memphis, in connection with the sale.

Director of General Services and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION approving the support of the City of Memphis for the Plug-In Partners National Campaign to advocate for the development, marketing and purchase of flexible fuel plug-in hybrid electric vehicles (PHEV's) by residents and businesses of Memphis and the County of Shelby.

Ford

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

28. RESOLUTION establishing the use of \$850,500.00 in Unprogrammed CDBG Entitlement funds that will be used by the Division of Housing and Community Development for various planned project activities.

Holt

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES (none)

DIVISION OF POLICE SERVICES

29. RESOLUTION accepting grant funds in the amount of \$603,606.00 from Shelby County Government for the Justice Assistance Grant to provide youth and crime prevention programs, overtime and law enforcement equipment. Resolution also amends the FY 2006 Operating Budget to establish and appropriate grant funds and matching funds in the amount of \$670,673.00.

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (none)

DIVISION OF PUBLIC WORKS

ZONING ORDINANCES - THIRD AND FINAL READING

30. **ORDINANCE** amending Section 29, Signs and Section 30, Nonconformities, up for
T H I R D and F I N A L reading. (Held from 10/25; 11/1;11/15;12/06; 12/20; 1/03; 1/17)
Peete Ordinance No. 5136
Case No. ZTA 05-001cc

Applicant: Office of Planning & Development

Request: Amend Section 29, Signs to expand the statement of intent
regarding the location of off-premise signs and amend Section 30,
Nonconformities regarding alteration, expansion, replacement and
moving of off-premise and all signs

Recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

NO NOTICES WERE REQUIRED

31. **ORDINANCE** rezoning the east side of Covington Pike; +108 feet south of Oak
Meadow Avenue, containing 1.84 acres in the Single Family Residential (R-S10)
District, up for T H I R D and F I N A L reading.
Peete Ordinance No. 5151
Case No. Z 05-121

Applicant: SFP Investment, LLC
Tim McCaskill – Representative

Request: Planned Commercial (C-P) District

LUCB recommendation: APPROVAL

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

59 NOTICES MAILED ON JANUARY 20, 2006

DIVISION OF PLANNING & DEVELOPMENT

32. **RESOLUTION** approving a use variance located on the southwest side of Lamar
Avenue; +/-196 feet northwest of Democrat Road, containing 7.43 acres in the Highway
Commercial (C-H) & Light Industrial (I-L) Districts.
Peete Case No. UV 05-09

Applicant: National College
Parker, Estes & Associates, Inc. – Representative

Request: 1) Permit accessory parking in the C-H Districts;
2) Four (4) year time extension for existing billboard

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Public Hearing Required; No Opposition at LUCB

PUBLIC HEARINGS

33. RESOLUTION approving a planned development located on the northwest corner of Poplar Avenue and Reddoch Street, containing 0.74 acre in the Single Family Residential (R-S10) District. (Held from 12/20)

Peete

Case No. PD 05-362
(Companion Case SAC 05-618)

Applicant: William H. Thomas, Jr.
ETI Corporation (Dan Graddy) – Representative

Request: Two-story office building, occupied by limited General Office (O-G) uses, including a bank

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

30 NOTICES WERE MAILED ON DECEMBER 9, 2005

34. RESOLUTION approving a street/alley closure located on Reddoch Street, a segment extending northward ±140 feet from Poplar Avenue, containing 2,651 square feet in the Single-Family Residential (R-S10) District and 1,933 square feet in the Multi-Family Residential (R-MM) District. (Held from 12/20).

Peete

Case No. SAC 05-618
(Companion Case: PD 05-362)

Applicant: William H. Thomas, Jr.
ETI Corporation (Dan Graddy) – Representative

Request: Close and Vacate Street Right-of-Way

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

45 NOTICES MAILED ON DECEMBER 9, 2005

35. RESOLUTION approving a planned development located on the east side of Varanavas Drive; +/-500 feet southeast of N. Germantown Parkway, containing 5.46 acres currently governed by For Pet's Sake Planned Development (P.D. 98-360).

Peete

Case No. PD 05-370

Applicant: Matthews Development, LLC
Davis Engineering – Representative

Request: Planned development amendment to allow limited Planned Commercial (C-P) District uses in Parcel 'D' of the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

31 NOTICES MAILED ON JANUARY 20, 2006

36. RESOLUTION approving a planned development located on the south side of Glenwood Place; +94.65 feet west of Anderson Street, containing .52 acre in the Single Family Residential (R-S8) & Historic Conservation (HC) District.

Peete

Case No. PD 05-373

Applicant: Garrott Massie
Askew, Hargraves, & Harcourt – Representatives

Request: A maximum of two residential lots

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

75 NOTICES WERE MAILED ON JANUARY 20, 2006

37. RESOLUTION approving a planned development located on the southeast corner of U.S. Highway 70 (Summer Avenue); +/-318 feet north of Gillespie Road, containing 5.57 acres currently governed by For Pet's Sake Planned Development (P.D. 98-360).
Peete Case No. PD 05-379

Applicant: Brett and Dorothy Baker
SR Consulting, LLC – Representative

Request: Planned development to allow administrative offices, including the wholesale distribution and storage of newspapers and limited commercial land use in Area 'B' and to create Area 'C' to allow mini-storage warehouses within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

34 NOTICES MAILED ON JANUARY 20, 2006

38. RESOLUTION approving a subdivision appeal located on the north side of Smithson Trail, containing 13.17 acres in the Agricultural (AG) District.
Peete Case No. S 05-061cc

Applicant/Appellant: Fred Elam
Frank P. Palumbo, Jr. – Representative

Request: Appeal to overturn action of the Land Use Control Board requiring the dedication and installation of dry sanitary sewer lines and the dedication and improvement of a stub street to the north property line

LUCB and OPD recommendation: APPROVAL, subject to 4 variances, 16 conditions and 3 design changes

ACTION REQUESTED: Take whatever action Council deems advisable

17 NOTICES MAILED ON JANUARY 20, 2006

39. RESOLUTION approving a street/alley closure located on Wesley Drive, between Pace Road and Faronia Road, containing 1.139 acres. (Held from 11/01; 1/17)
Peete Case No. SAC 05-610

Applicant: Methodist Healthcare – Tom Tollett
Homer Branan, III – Representative

Request: Close & Vacate Street Right-of-Way

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

12 NOTICES RE-MAILED ON OCTOBER 24, 2005

40. RESOLUTION approving a street/alley closure located on the south side of Pontotoc Avenue; +148 feet west of Lauderdale Street, containing 2,450 square feet in an unimproved alley in the South Downtown Residential (R-SD) District.

Peete

Case No. SAC 05-617

Applicant: Linden Neighborhood Collaborative/St. Patrick's Housing
Tim McCaskill – Representative

Request: Close and Vacate Alley Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

32 NOTICES MAILED ON JANUARY 20, 2006

41. RESOLUTION approving a street/alley closure located on the west side of North Main Street, 170 feet north of Looney Avenue.

Peete

Case No. SAC 05-619

Applicant: Memphis Land Bank & Gary A. Meloni, Jr.
Cindy Reaves, SR Consulting - Representative

Request: Close an east/west alley running from North Main Street to North Front Street

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

21 NOTICES MAILED ON JANUARY 20, 2006

42. RESOLUTION approving a use variance located on the south side of Dorothy Place; ± 70 feet west of Bellevue Blvd., containing 7,492 square feet in the Single Family Residential (RS-6) District. (Held from 12/6; 12/20; 1/03; 1/17)

Peete

Case No. UV 05-07

Applicant: Richard Liptock

Request: Expansion of a duplex (a non-conforming use in the R-S6 District)

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

82 NOTICES MAILED ON NOVEMBER 18, 2005

ADJOURNMENT

ADD-ONS

43. RESOLUTION approving final plat of THOMAS STREET INDUSTRIAL SUBDIVISION.
Consent Case No. S 05-045

Resolution approves the final plat of Thomas Street, located on Thomas Street north of Royal Avenue. Cost the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

44. RESOLUTION approving final plat of UPTOWN REDEVELOPMENT SUBDIVISION, 11.
Consent Case No. S 05-055

Resolution approves final plat located on the northwest corner of Keel Avenue and North Third Street. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

45. RESOLUTION approving final plat of UPTOWN REDEVELOPMENT SUBDIVISION, 12.
Consent Case No. S 05-055

Resolution approves the final plat located on the northeast corner of Keel Avenue and North Fourth Street. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

46. RESOLUTION approving final plat of UPTOWN REDEVELOPMENT SUBDIVISION, 14.
Consent Case No. S 05-055

Resolution approves the final plat located on the southwest corner of Greenlaw Avenue and North Fifth Street. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

47. RESOLUTION approving final plat of UPTOWN REDEVELOPMENT SUBDIVISION, 15.
Consent Case No. S 05-055

Resolution approves the final plat located on the south side of Bethel Avenue, 253.12 feet west of Woodlawn Street. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

48. RESOLUTION approving final plat of UPTOWN REDEVELOPMENT SUBDIVISION, 16.
Consent Case No. S 05-055

Resolution approves the final plat located on the northeast corner of Bethel Avenue and Woodlawn Street. Cost of the required improvements to be borne by the Developer.

ADD-ONS

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

49. RESOLUTION accepting MEMPHIS OAKS DISTRIBUTION CENTER SEWERS, and authorizing release of bond.

Consent

(Contract No. CR-4623)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southwest corner of Malone and Holmes Roads. The standard improvement contract was approved on November 4, 2003. Resolution also authorizes the release of the Performance Bond (No. 005SB 103376988BCM) performance bond in the amount of \$61,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

50. RESOLUTION accepting HOUSTON LEVEE TRAILS P.D., FOURTH AMENDMENT, PHASE 7, and authorizing release of bond.

Consent

Case No. PD 04-383
(Contract No. CR-4966)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south of Highway 64, 263.47 feet west of Houston Levee Road. The standard improvement contract was approved on August 8, 2005. Resolution also authorizes the release of the Letter of Credit (No. 4332243) in the amount of \$54,300.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

51. RESOLUTION accepting LEE LINE FARMS PD PHASE 5, PART OF AREAS A & B, and authorizing release of bond.

Consent

Case No. PD 99-352cc
(Contract No. CR-4561)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Houston Levee Road, 3897.18 feet north of Macon Road. The standard improvement contract was approved on October 24, 2001. Resolution also authorizes the release of the letter of credit in the amount of \$100,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

52. RESOLUTION honoring the life of Samuel Crossley.

Consent

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 4 – Approved
5. Public Hearing set for February 21, 2006
6. Through 15 – Approved

ADD-ONS

16. Back to Committee on February 21, 2006
17. Through 21 – Approved
22. Held to February 21, 2006
23. and 24 – Approved
25. Approved, as amended
26. Through 29 – Approved
30. Held to March 7, 2006
31. Withdrawn
32. Approved
33. and 34 – Held to February 21, 2006
35. Through 37 – Approved
38. Held to February 21, 2006
39. Held to March 7, 2006
40. and 41 – Approved
42. Dropped
43. Through 52 – Approved

ACTION TAKEN ON THE MINUTES OF JANUARY 17, 2006 with the following motion:

MOTION: Jones – Reconsider Item #26, SUP 05-218, for the purpose of sending it back to Committee
SECOND: Peete
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, McCormick, Peete, Sammons, Taylor and Chairman Mitchell
Lowery did not cast a vote
Marshall was absent

APPROVED, item #26, SUP 05-218 reconsidered

MAIN MOTION: Peete – Approve Item today
SECOND: Holt
AYES: Brittenum, Brown, Ford, Holt, Jones, McCormick, Peete and Sammons
NAYS: Chumney, Lowery, Taylor and Chairman Mitchell
Marshall was absent

APPROVED